

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION,	:	
	:	
Plaintiff	:	
v.	:	No. 02-CV-2888
	:	
CONCEPT SCIENCES, INC., ET. AL.	:	
	:	
Defendant	:	

***ANSWER WITH AFFIRMATIVE DEFENSES OF DEFENDANTS
LEHIGH REALTY ASSOCIATES III, JAMES H. REDINGTON, JOHN ADAMS
AND ESTATE OF JACOB QUICK C/O JUDITH QUICK TO DEFENDANT, PPT
RESEARCH, INC.'S CROSS-CLAIMS FOR CONTRIBUTION AND INDEMNITY***

Defendants, Lehigh Realty Associates III, James H. Redington, John Adams and Estate of Jacob Quick c/o Judith Quick (together, the "Lehigh Realty Defendants"), through their attorneys, Deasey, Mahoney & Bender, Ltd., for their answer with new matter to the cross-claims of defendant PPT Research, Inc. ("PPT"), aver as follows:

1. This paragraph does not set forth any facts to which any answer is required. However, to the extent an answer is deemed required, the Lehigh Realty Defendants incorporate by reference, as if fully set forth at length, their answers to paragraphs 1 through 120 of the Complaint in this action, plus the affirmative defenses and cross-claims asserted by the Lehigh Realty Defendants in this action.

2. This paragraph does not set forth any facts to which any answer is required. Moreover, since PPT's "foregoing answers and affirmative defenses" are not directed to the Lehigh Realty Defendants, no answer is required. However, to the extent an answer is deemed required, the

Lehigh Realty Defendants incorporate by reference, as if fully set forth at length, their answers to paragraphs 1 through 120 of the Complaint in this action, plus the affirmative defenses and cross-claims asserted by the Lehigh Realty Defendants in this action.

3. The allegations contained in this paragraph set forth one or more conclusions of law to which no response is required. To the extent a response is required, these allegations are denied. The Lehigh Realty Defendants further respond that they deny any liability to PPT in this matter.

4. The allegations contained in this paragraph set forth one or more conclusions of law to which no response is required. To the extent a response is required, these allegations are denied. The Lehigh Realty Defendants further respond that they deny any liability to PPT in this matter.

5. The allegations contained in this paragraph set forth one or more conclusions of law to which no response is required. To the extent a response is required, these allegations are denied. The Lehigh Realty Defendants further respond that they deny any liability to PPT in this matter.

WHEREFORE, the Lehigh Realty Defendants demand that judgment be entered in their favor, and against PPT, dismissing PPT's cross-claims, with prejudice, and awarding the Lehigh Realty Defendants attorneys fees, costs of suit, and such other and further relief as this court deems just.

AFFIRMATIVE DEFENSES

1. PPT's cross-claims fail to state a claim on which relief may be granted.
2. The Lehigh Realty Defendants incorporate by reference, as if fully set forth at length, each and every one of their cross-claims previously asserted against co-defendants herein.
3. The Lehigh Realty Defendants incorporate by reference, as if fully set forth at length, each and every one of their affirmative defenses to the complaint previously in this action.

4. Without in any way limiting the foregoing, if the Lehigh Realty Defendants are determined to have any liability to plaintiff herein, which liability is denied, PPT is obligated to defend, indemnify and hold harmless the Lehigh Realty Defendants from any and all such liability.

5. Without in any way limiting the foregoing, if the Lehigh Realty Defendants are determined to have any liability to plaintiff herein, which liability is denied, such liability must be allocated by use of the "Gore Factors" and/or any other legal or equitable method, such that the Lehigh Realty Defendants are not assigned any liability at all or, at most, a de minimis amount of liability.

DEASEY, MAHONEY & BENDER, LTD.

BY: _____

JAMES B. BURNS, ESQUIRE
Attorneys for Defendants,
Lehigh Realty Associates III,
James H. Redington, John Adams and
Estate of Jacob Quick c/o Judith Quick

Identification No. 46369
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528.20,953

Dated: January 6, 2003

CERTIFICATE OF SERVICE

I, *JAMES B. BURNS, ESQUIRE*, hereby certify that I have served upon all person(s) listed below a true and correct copy of Defendants, Lehigh Realty Associates, III, James H. Redington, John Adams and Estate of Jacob Quick c/o Judith Quick's Answer with Affirmative Defenses to the cross-claims of co-defendant PPT Research, Inc. Crossclaims in this matter by first class postage prepaid mail.

Paul R. Briere, Esquire
PA Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18711-0790

Thomas C. Delorenzo, Esquire
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JAMES B. BURNS, ESQUIRE

Date: January 6, 2003